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EXECUTIVE CHAMBERS
HONOLULULINDA LINGLE
GOVERNOR

October 27, 2005

Mr. James A. Connaughton, Chairman
Council on Environmental Quality
Executive Office of the President
722 Jackson Place NW
Washington, DC 20503

Dear Mr. Connaughton:

I appreciate the conversation we had recently concerning the Northwestern Hawaiian Islands (NWHI). The purpose of this letter is to draw your attention to some recent developments and issues in Hawai'i that affect the management of our marine resources in the NWHI.

In 2000, President Clinton created the NWHI Coral Reef Ecosystem Reserve by Executive Order 13178. The reserve is the second largest marine protected area in the world after the Australian Great Barrier Reef. Roughly 12 nautical miles long and up to 100 nautical miles wide, the reserve is managed by the National Oceanic and Atmospheric Administration (NOAA). My administration is working closely with NOAA's National Marine Sanctuaries Program (NMSPP) towards designation of the area as a National Marine Sanctuary. In this process we are applying ecosystem-based management principles to effectively manage and protect these ecologically and aesthetically valuable resources. The sanctuary designation process is underway.

On September 29, 2005, I signed regulations into law that established all state waters in the NWHI as a marine refuge. These rules set in motion the most significant marine conservation initiative in the history of Hawai'i by creating the state's largest marine refuge. The refuge puts all state waters from Nihoa, north of Ni'ihau and Kaua'i to Kure Atoll, the northernmost land mass in the Hawaiian chain, into a limited access, no extraction marine refuge. The rules set aside 100 percent of state waters from extractive uses, including commercial and recreational fishing, and require an access permit for all other activities. Continuance of Native Hawaiian traditional and customary practices will be allowed in the refuge to perpetuate the living culture of these islands.

At the signing ceremony I announced that I would also seek to have this very significant biologically diverse and culturally important area designated as a World Heritage Site. In addition to stating that my administration would take the lead in obtaining a World Heritage Site designation for the area, I also indicated our strong support to continue to work with NOAA to designate this site as a National Marine Sanctuary.

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My commitment to protecting these marine resources extends beyond State waters. I support the NMSP process to create a National Marine Sanctuary in the NWHI. I also encourage the NMSP to support an organized phaseout of commercial fishing in federal waters to make state and federal waters closed to fishing after sanctuary designation. I would like to see fair compensation provided to the fishing boat owners who currently fish in the NWHI through a proposed buyout program within five years.

My administration has worked closely with NOAA on sanctuary designation, and we continue to collaborate effectively to achieve this. Throughout this process, it has been my understanding that all regulations developed for the future sanctuary, including fishing regulations, would be promulgated under the National Marine Sanctuaries Act (NMSA).

However, it has come to my attention that there have been recent discussions within NOAA about promulgating some or all fishing regulations in National Marine Sanctuaries under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). If this approach is applied to the NWHI, I would have serious concerns about including State of Hawaii waters in the proposed federal sanctuary.

There is an inherent conflict between the MSA goal of maximum sustainable yield and the NMSA goal of maintaining natural biological communities using an ecosystem-based approach. The newly established State Marine Refuge is being managed with an ecosystem-based approach with the goal of preservation and protection of our unique resources, where fishing is prohibited. The state would find fishery regulations for the proposed sanctuary promulgated under MSA to be incompatible with the underlying purpose of the State Marine Refuge.

Again, I encourage NOAA to follow our lead and close the entire proposed NWHI Sanctuary to extraction by promulgating federal fishing regulations under the NMSA, similar to those we have established under the NWHI State Marine Refuge. As one of the last pristine wilderness locations on earth, it is only right to consider the long-term preservation of this area and strive to have one place that is free from extraction.

Sincerely,



LINDA LINGLE